

**DRAFT FINDINGS AND ORDER OF THE AIRPORT LAND USE COMMISSION
COUNTY OF LOS ANGELES
ALUC REVIEW OF THE RENEWABLE ENERGY ORDINANCE
PROJECT NO. R2015-00543-(1-5)
AVIATION CASE NO. 201500001**

HEARING DATE: April 22, 2015

SYNOPSIS

The Airport Land Use Commission (ALUC) is conducting a consistency review of the Los Angeles County Renewable Energy Ordinance (Ordinance), a countywide ordinance. ALUC review is necessary because the Ordinance is a legislative action affecting property within the ALUC's planning boundaries, also known as the Airport Influence Areas (AIA) surrounding the fifteen airports in Los Angeles County.

ALUC's consistency determination focuses on how the Ordinance will impact the surrounding land uses of the fifteen airports in Los Angeles County, and how it will relate to the policies contained in the Los Angeles County Airport Land Use Plan (ALUP) and the General William J. Fox Airfield Land Use Compatibility Plan (Compatibility Plan).

PROCEEDINGS

April 22, 2015 Public Hearing

A duly noticed public hearing before the ALUC was held on April 22, 2015. Staff presented the project and recommendation to the ALUC. Chairman Modugno commented that there was some concern as to processing the future ALUC cases that will come in under the Renewable Energy Ordinance administratively, however, staff clarified in the presentation that should staff find any major impacts, or the case is controversial with the public, staff will elevate the case to a public hearing with the ALUC. Chairman Modugno also asked about the ALUC process should the Renewable Energy Ordinance be significantly changed by the Board of Supervisors prior to their approval, and County Counsel clarified that should that be the case, the Ordinance would return to the Planning Commission for approval, and that would in turn trigger another ALUC hearing for ALUC's approval of the changes. There being no public testimony, the ALUC, without further discussion, closed the public hearing and determined the Renewable Energy Ordinance consistent with the Los Angeles County Airport Land Use Plan, Los Angeles County Airport Land Use Commission Review Procedures, and General William J. Fox Airfield Land Use Compatibility Plan.

FINDINGS

1. The State Aeronautics Act Section 21670, et seq. of the California Public Utilities Code ("PUC") requires every county in which there is an airport served by a scheduled airline to establish an Airport Land Use Commission.
2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission for Los Angeles County and thereby coordinating the airport planning of public agencies within the County.
3. Pursuant to Section 21670(a)(1) of the PUC the purpose of the State Aeronautics Act that establishes Airport Land Use Commissions is to provide for the orderly development of each public use airport and the area surrounding these airports and to prevent the creation of new noise and safety problems.
4. Pursuant to Section 21674 of the PUC, the powers and duties of an Airport Land Use Commission include: assisting local agencies in ensuring compatible land uses in the vicinity of new and existing airports; coordinating planning at the state, regional and local levels so as to provide for the orderly development of air transportation; preparing and adopting Airport Land Use Compatibility Plans; and reviewing plans of local agencies to determine whether such plans are consistent with the applicable Airport Land use Compatibility Plan.
5. In 1991 the County ALUC adopted the Los Angeles County Airport Land Use Plan, which is known as the Airport Land Use Compatibility Plan ("ALUCP") that sets forth policies, purposes, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them.

6. The ALUCP provides for the orderly development of Los Angeles County's public use airports and the area surrounding them. The ALUCP contains policies and criteria, including a 65dB Community Noise Equivalent Level ("CNEL") contour, that minimize the public's exposure to excessive noise and safety hazards.
7. Pursuant to Sections 21674(d), 21676(b), 21672(c), 21661.5, 21664.5(a), and 21664.5(b) of the PUC, the County ALUC has the responsibility to review for consistency with the ALUCP, airport master plans, specific plans, general plan amendments and zoning ordinances for consistency with the adopted ALUCP, before final action is taken by the local agency.
8. Pursuant to Sections 21670(a)(2) and 21674(a), the ALUC has no authority over existing land uses regardless of whether such uses are incompatible with airport activities.
9. On December 1, 2004, the Los Angeles County ALUC adopted the General William J. Fox Airfield Land Use Compatibility Plan for General William J. Fox Airfield (Compatibility Plan). The Compatibility Plan sets forth policies, a planning boundary, intensity and density criteria for promoting compatibility between the airport and the surrounding land uses.
10. ALUC reviewed the proposed Los Angeles County Renewable Energy Ordinance (Ordinance) on April 22, 2015 and found the Ordinance to be consistent with the ALUP policies and the policies in the Compatibility Plans.
11. ALUC found no increase in density or intensity of people exposed to noise and safety impacts.
12. The Ordinance would allow renewable energy land uses within an airport influence area which are considered compatible land uses.
13. The Ordinance does not introduce new noise sensitive land uses within an airport influence area.
14. Potential glare impacts would be reviewed administratively by ALUC staff as individual projects are proposed, per the procedures set forth in the Ordinance.
15. The Ordinance does not propose a use that would generate electrical interference, direct a steady or flashing light, attract large concentrations of birds or emit smoke. Therefore, the Ordinance is consistent with ALUP Policies S-5 and S-6 which prohibit such uses that would create the aforementioned safety hazards.
16. The Ordinance does not propose a use that would exceed 200 feet. ALUP Policy S-7 requires compliance with height restrictions of Federal Aviation Regulations (FAR) Part 77 which identifies an obstruction as a minimum of 200 feet high within 3 nautical miles of an airport. The Ordinance allows a height limit that is considerably less and is therefore consistent with ALUP Policy S-7.
17. The approval process for the development and operation of solar and wind energy systems and facilities are being clarified and definitions are being revised with this Ordinance. Clarification of approval process and revision of definitions for these proposed uses do not conflict with the ALUP policies.

CONCLUSION

Based on the foregoing, the Airport Land Use Commission concludes that the Renewable Energy Ordinance is consistent with the Los Angeles County Airport Land Use Plan and General William J. Fox Airfield Land Use Compatibility Plan.

ACTION

In view of the findings of fact presented above, the Airport Land Use Commission finds the Renewable Energy Ordinance consistent with the Los Angeles County Airport Land Use Plan and General William J. Fox Airfield Land Use Compatibility Plan

Date: April 22, 2015

Vote: 4:0

Concurring: Modugno; Valadez; Louie; Pedersen

Dissenting: None

Abstaining: None

Absent: Pincetl